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8 Attorneys for Defendant/Counter-Plaintiff,  
KEATING DENTAL ARTS, INC.

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 SOUTHERN DIVISION

13 JAMES R. GLIDEWELL DENTAL  
14 CERAMICS, INC. dba GLIDEWELL  
LABORATORIES,

15 Plaintiff,

16 v.

17 KEATING DENTAL ARTS, INC.

18 Defendant.

19 AND RELATED COUNTERCLAIMS.  
20  
21

) Civil Action No.  
) SACV11-01309-DOC(ANx)

) **DECLARATION OF DR.**  
) **DAVID W. EGGLESTON IN**  
) **SUPPORT OF KEATING**  
) **DENTAL ARTS, INC.'S**  
) **MOTIONS FOR SUMMARY**  
) **JUDGMENT**

) Date: December 17, 2012  
) Time: 8:30 a.m.  
) Location: Courtroom 9D

) Honorable David O. Carter  
)  
)

1 I, Dr. David W. Eggleston, hereby declare as follows:

2 I am a prosthodontist with more than 42 years of experience in the dental  
3 industry. I currently maintain a practice in Newport Beach, California. I have  
4 personal knowledge of the matters set forth herein. If called upon to testify, I  
5 could and would testify as follows:

6 1. I have been retained by Keating Dental Arts to provide expert  
7 testimony relevant to this case. In this regard:

- 8 • attached as **Exhibit 65** is a true and correct copy of the Expert  
9 Report that I submitted on September 15, 2012;
- 10 • attached as **Exhibit 66** is a true and correct copy of the First  
11 Supplemental Expert Report that I submitted October 15, 2012; and
- 12 • attached as **Exhibit 67** is a true and correct copy of the Rebuttal  
13 Expert Report that I submitted on October 15, 2012.

#### 14 **I. STATEMENT OF QUALIFICATIONS**

15 2. I graduated from the University of Southern California (USC)  
16 School of Dentistry in 1970 receiving the Daniel Cave Memorial Award and the  
17 Lewis E. Ford Memorial Award for achievements in prosthodontics.  
18 Additionally, I was elected to the ATE and OKU honorary dental fraternities.

19 3. After graduation, I continued at the USC School of Dentistry with a  
20 residency in the specialty of prosthodontics, and received my Prosthodontics  
21 Certification in 1972 and the American Board of Prosthodontics Certification in  
22 1975. After completing my residency at USC, I practiced prosthodontics at  
23 Bolling Air Force Base in Washington, D.C., achieving the rank of Major.

24 4. Currently, I am on the faculty at the Ostrow School of Dentistry of  
25 USC as a Clinical Associate Professor and I serve as a member of the Board of  
26 Councilors. I lecture extensively throughout the United States and have given  
27 dental courses in Canada, Mexico, Europe, the South Pacific and the Middle  
28 East.

1           5. I am active in many dental organizations and have served in the  
2 following capacities: President of the American Board of Prosthodontics,  
3 President of the American College of Prosthodontists, President of the Academy  
4 of Prosthodontics, President of the Pacific Coast Society for Prosthodontics,  
5 President of the ACP Education Foundation, and President of the ACP  
6 California Section; Associate Editor of the Journal of Prosthodontics; Chair of  
7 the ACP Prosthetic Dental Care Programs; Chair of the ACP National Peer  
8 Review Committee; Consultant for the ADA Council on Scientific Affairs;  
9 Chair of the California Dental Association Council on Dental Research; Chair  
10 of the USC Dentistry Associates Board of Directors; Executive Councilor and  
11 Chair of the Program Committee for the Academy of Fixed Prosthodontics;  
12 Delegate to the Federation of Prosthodontic Organizations; Member of the Hoag  
13 Hospital 552 Board of Directors; Member of the USC Orange County Planning  
14 Council. For the Orange County Dental Society, I have served as Secretary,  
15 Senior Delegate, Chair of the Continuing Education Programs Committee, and  
16 five years on the Board of Directors. I received the Hoag Hospital Vin  
17 Jorgensen Award, the American College of Prosthodontists Distinguished  
18 Service Award, and the American College of Prosthodontists Dan Gordon  
19 Memorial Award.

20           6. I maintain fellowships in the International College of  
21 Prosthodontists, the American College of Prosthodontists, the Academy of  
22 Prosthodontics, the Pacific Coast Society for Prosthodontics, the Pierre  
23 Fauchard Academy, the Academy of Dentistry International, the International  
24 College of Dentists, and the American College of Dentists.

25           7. I have published numerous articles in the dental literature and my  
26 research at the L.A. Coroner's Office on the correlation of mercury in brain  
27 tissue with dental amalgam received a reference citation by the World Health  
28 Organization.

1           8. Additional information on my professional background is provided  
2 in my opening expert report.

3           **II. GENERAL BACKGROUND ON DENTISTS, DENTAL LABS, AND**  
4                                   **DENTAL RESTORATIONS**

5           9. Crowns and bridges are dental restorations used by dentists to treat  
6 patients with damaged or missing teeth. Dentists order crowns from dental  
7 laboratories that manufacture the crowns based on specifications provided by  
8 the dentist. Crowns and other dental restorations are regulated medical  
9 products, and dentists order them from dental laboratories by submitting a  
10 prescription form signed by the dentist. Finished crowns are not commodities;  
11 they are personalized to the patient with custom-shaping and coloring to fit the  
12 needs of a particular tooth for a particular patient.

13           10. Dentists cannot practice dentistry in the U.S. unless they have a  
14 degree from an accredited dental school and are licensed by the state in which  
15 they practice.

16           11. As a dentist, I am responsible for assessing whether my patients are  
17 in need of a crown. I am also responsible for assessing the type of crown that  
18 would be best for the patient, and for creating specifications for the crown  
19 personalized to the patient. I am further responsible for either making the crown  
20 in my own dental laboratory or for placing an order with another dental  
21 laboratory to have the personalized crown made. I am further responsible for  
22 ensuring that the crown made for the patient is correct and high quality. I am  
23 also responsible for the proper affixing of the crown in the mouth of the patient.

24           12. I strive to provide excellent patient care, and I am very careful in  
25 choosing the dental professionals with whom I work. This includes other  
26 dentists who work in my practice, dental assistants who assist with my patients,  
27 and dental laboratories from whom I order dental restorations.

28           13. It is very easy for me to send prescriptions for dental restorations to

1 different dental laboratories. Dental laboratories advertise their services and  
2 provide their contact information to make it easy for dentists like me to use their  
3 services.

4 14. Early in my career dental labs primarily manufactured crowns  
5 made entirely or partially of porcelain, a material that gives a “tooth like”  
6 appearance. Back then, and now, dental laboratories also made crowns out of  
7 the metal gold. From a functional standpoint, gold is superior to porcelain in  
8 that it is more durable and capable of withstanding the stresses associated with  
9 chewing and teeth grinding. From an aesthetics standpoint, gold is inferior to  
10 porcelain because it does not look like a tooth.

11 15. Dental laboratories have long sought new materials, or layered  
12 combinations of materials, to create stronger crowns that appear tooth-like. A  
13 popular example developed years ago is porcelain-fused-to-metal crowns,  
14 commonly known as “PFM crowns,” which include a top porcelain layer atop a  
15 lower metal layer. The top layer of a PFM crown is visible in the mouth, so  
16 porcelain is used for its nice aesthetics. The bottom layer of a PFM crown is  
17 mostly or entirely invisible in the mouth, so metal is used for its greater strength.

18 16. A particularly challenging group of patients for me and other  
19 dentists are patients who subconsciously grind their teeth. The subconscious  
20 grinding of teeth is known in the dental community as “bruxing,” and patients  
21 suffering from this condition are known as “bruxers.”

22 17. Bruxers are notorious for breaking traditional crowns due to the  
23 excessive forces they place on their teeth. In the past, I and other dentists often  
24 treated our bruxer patients using gold crowns, the strongest crowns available.  
25 Dentists sometimes place more common crowns in their bruxer patients, such as  
26 a PFM crown, but end up replacing the first crown with a gold crown after the  
27 bruxer breaks the first crown.

28 18. Zirconia is a very strong dental material that dental labs began

1 using as a substitute for metal as a base layer in dental restorations. More  
2 recently, all-zirconia crowns have been developed, such as the all-zirconia  
3 crowns offered by Glidewell and Keating.

4 **III. MY REVIEW OF SCHOLARLY ARTICLES RELATING TO**  
5 **BRUXING, BRUXISM, AND BRUXERS**

6 19. It is a regular part of my practice as a dentist and prosthodontist to  
7 review scholarly articles in areas of dentistry relevant to my practice to further  
8 my education and understanding of developments in the dental field.

9 20. I have also reviewed additional articles relevant to this case that  
10 further substantiate my conclusions on the use of the term “bruxer.”

11 21. Attached as **Exhibit 68** is a true and correct copy of the scholarly  
12 article titled, “Comparison of Pain and Quality of Life in Bruxers and Patients  
13 with Myofascial Pain of the Masticatory Muscles” by T.T. Dao, D.M.D., M.S.,  
14 et al., which was published in Volume 8 Number 4 of *The Journal of Orofacial*  
15 *Pain* in 1994. Bates numbers KDA-002048 through KDA-002062 have been  
16 added during the course of this litigation for identification purposes and  
17 highlighting of the word “bruxer” has been added for ease in referencing the  
18 relevant parts of the article.

19 22. Attached as **Exhibit 69** is a true and correct copy of the scholarly  
20 article titled, “Effect of Working Side Interferences on Mandibular Movement  
21 in Bruxers and Non-bruxers” by Y.Y. Shiau & J.Z. Syu, which was published in  
22 Volume 22 of 1995 edition of *The Journal of Oral Rehabilitation*. Bates  
23 numbers KDA-002152 through KDA-002160 have been added during the  
24 course of this litigation for identification purposes and highlighting of the word  
25 “bruxer” has been added for ease in referencing the relevant parts of the article.

26 23. Attached as **Exhibit 70** is a true and correct copy of the scholarly  
27 article titled, “The Prevalence of Some Joint Disorders in Craniomandibular  
28 Disorder (CMD) and Bruxers as Compared to CMD Nonbruxer Patients and

1 Controls” by Omar Franklin Molina, D.D.S., M.S., et al., which was published  
2 in the January 1999 edition of *The Journal of Craniomandibular Practice*. Bates  
3 numbers KDA-002120 through KDA-002134 have been added during the  
4 course of this litigation for identification purposes and highlighting of the word  
5 “bruxer” has been added for ease in referencing the relevant parts of the article.

6 24. Attached as **Exhibit 71** is a true and correct copy of the scholarly  
7 article titled, “A Clinical Study of Specific Signs and Symptoms of CMD in  
8 Bruxers Classified by the Degree of Severity” by Omar Franklin Molina,  
9 D.D.S., M.S., et al., which was published in the October 1999 edition of *The*  
10 *Journal of Craniomandibular Practice*. Bates numbers KDA-002106 through  
11 KDA-002119 have been added during the course of this litigation for  
12 identification purposes and highlighting of the word “bruxer” has been added  
13 for ease in referencing the relevant parts of the article.

14 25. Attached as **Exhibit 72** is a true and correct copy of the scholarly  
15 article titled, “A Controlled Daytime Challenge of Motor Performance and  
16 Vigilance in Sleep Bruxers” by M. Major, et al., which was published in the  
17 November 1999 edition of *The Journal of Dental Research*. Bates numbers  
18 KDA-002087 through KDA-002097 have been added during the course of this  
19 litigation for identification purposes and highlighting of the word “bruxer” has  
20 been added for ease in referencing the relevant parts of the article.

21 26. Attached as **Exhibit 73** is a true and correct copy of the scholarly  
22 article titled, “Profile of TMD and Bruxer Compared to TMD and Nonbruxer  
23 Patients Regarding Chief Complaint, Previous Consultations, Modes of  
24 Therapy, and Chronicity” by Omar Franklin Molina, D.D.S., M.S., et al., which  
25 was published in the July 2000 edition of *The Journal of Craniomandibular*  
26 *Practice*. Bates numbers KDA-002135 through KDA-002151 have been added  
27 during the course of this litigation for identification purposes and highlighting  
28 of the word “bruxer” has been added for ease in referencing the relevant parts of



1 the article.

2 27. Attached as **Exhibit 74** is a true and correct copy of the thesis  
3 submitted to the West Virginia University School of Dentistry in 2007 titled,  
4 “The Efficacy of the Bitestrip® in Determining Patients Awareness of  
5 Nocturnal Bruxism” by Emily R. Tolley, D.D.S. Bates numbers KDA-001679  
6 through KDA-001737 have been added during the course of this litigation for  
7 identification purposes and highlighting of the term “bruxer” has been added for  
8 ease in referencing the relevant parts of the article.

9 28. Attached as **Exhibit 75** is a true and correct copy of the scholarly  
10 article titled, “Maladaptive Coping Strategies in Patients with Bruxism  
11 Compared to Non-Bruxing Controls” by Christine Schneider, et al., which was  
12 published in the Volume 4 2007 edition of *International Journal of Behavioral*  
13 *Medicine*. Bates numbers KDA-001648 through KDA-001652 have been added  
14 during the course of this litigation for identification purposes and highlighting  
15 of the term “bruxer” has been added for ease in referencing the relevant parts of  
16 the article.

17 29. Attached as **Exhibit 76** is a true and correct copy of the scholarly  
18 article titled, “The Effects of Bruxism On Periodontal Sensation in the Molar  
19 Region: A Pilot Study” by Takeshi Suganuma, D.D.S., Ph.D., et al., which was  
20 published in the July 2007 edition of *Journal of Prosthetic Dentistry*. Bates  
21 numbers KDA-001657 through KDA-001662 have been added during the  
22 course of this litigation for identification purposes and highlighting of the term  
23 “bruxer” has been added for ease in referencing the relevant parts of the article.

24 30. Attached as **Exhibit 77** is a true and correct copy of the scholarly  
25 article titled, “Association Between Self-Reported Bruxism Activity and  
26 Occurrence of Dental Attrition, Abfraction, and Occlusal Pits on Natural Teeth”  
27 by Nikolas Tsiggos, D.D.S., Ph.D., et al., which was published in the July 2008  
28 edition of *Journal of Prosthetic Dentistry*. Bates numbers KDA-001738 through



1 KDA-001743 have been added during the course of this litigation for  
2 identification purposes and highlighting of the term “bruxer” has been added for  
3 ease in referencing the relevant parts of the article.

4 31. Attached as **Exhibit 78** is a true and correct copy of the scholarly  
5 article titled, “The Effects of Sleep Bruxism On Periodontal Sensation and  
6 Tooth Displacement in the Molar Region” by Yasuhiro Ono, D.D.S., et al.,  
7 which was published in the October 2008 edition of *The Journal of*  
8 *Craniomandibular Practice*. Bates numbers KDA-001631 through KDA-  
9 001635 have been added during the course of this litigation for identification  
10 purposes and highlighting of the term “bruxer” has been added for ease in  
11 referencing the relevant parts of the article.

12 **IV. MY REVIEW OF PUBLICALLY AVAILABLE INFORMATION**  
13 **FROM GLIDEWELL**

14 32. Attached as **Exhibit 79** is a true and correct copy of an  
15 advertisement from Glidewell Laboratories stating that the BruxZir is “Ideal for  
16 bruxers.” Bates number KDA-002183 was added to this document during the  
17 course of this litigation for identification purposes.

18 33. Attached as **Exhibit 80** is a true and correct copy of a webpage of  
19 Glidewell Laboratories regarding the features of Glidewell’s BruxZir zirconia  
20 which is available at [http://www.bruxzir.com/features-bruxzir-zirconia-dental-](http://www.bruxzir.com/features-bruxzir-zirconia-dental-crown/)  
21 [crown/](http://www.bruxzir.com/features-bruxzir-zirconia-dental-crown/). Bates numbers KDA-002198 through KDA-002199 were added to this  
22 document during the course of this litigation for identification purposes.

23 34. Attached as **Exhibit 81** is a true and correct copy of a webpage of  
24 Glidewell Laboratories titled “BruxZir® Solid Zirconia” which is available at  
25 <http://www.glidewelldental.com/dentist/services/all-ceramics-bruxzir.aspx>.  
26 Bates number KDA-002297 was added to this document during the course of  
27 this litigation for identification purposes.

28 35. Attached as **Exhibit 82** is a true and correct copy of a webpage of

1 Glidewell Laboratories titled “BruxZir Solid Zirconia Crowns & Bridges -  
 2 Features” which is available at [http://www.glidewelldental.com/bruxzir-](http://www.glidewelldental.com/bruxzir-zirconia-crowns/features/)  
 3 [zirconia-crowns/features/](http://www.glidewelldental.com/bruxzir-zirconia-crowns/features/). Bates numbers KDA-002298 through KDA-002299  
 4 were added to this document during the course of this litigation for  
 5 identification purposes.

6 36. Attached as **Exhibit 83** is a true and correct copy of a webpage of  
 7 Glidewell Laboratories titled “Dental Zirconia Crown – BruxZir Solid Zirconia  
 8 Crowns & Bridges – BruxZir Dental Zirconia Lab” which is available at  
 9 [http://www.glidewelldental.com/dentists/services/all-ceramics-bruxzir-](http://www.glidewelldental.com/dentists/services/all-ceramics-bruxzir-tech.aspx)  
 10 [tech.aspx](http://www.glidewelldental.com/dentists/services/all-ceramics-bruxzir-tech.aspx). Bates number KDA-002300 was added to this document during the  
 11 course of this litigation for identification purposes.

12 37. Attached as **Exhibit 84** is a true and correct copy of a webpage of  
 13 Glidewell Laboratories titled “Dental Zirconia Crown – BruxZir Solid Zirconia  
 14 Crowns & Bridges – Glidewell Direct BruxZir” which is available at  
 15 <http://www.glidewelldental.com/lab/services/bruxzir.aspx>. Bates number KDA-  
 16 002302 was added to this document during the course of this litigation for  
 17 identification purposes.

18 **V. MY REVIEW OF PUBLICLY AVAILABLE INFORMATION ON**  
 19 **THIRD PARTIES IN THE DENTAL INDUSTRY**

20 38. I also reviewed publicly available information relevant to this case  
 21 to assist me in forming my opinions.

22 **A. All-Zirconia Crowns Offered For Sale By Third Parties**

23 39. Attached as **Exhibit 85** is a true and correct copy of a webpage of  
 24 Axis Dental Milling titled “Axis Dental Milling: Bruxzir Full Contour Dental  
 25 Milling” which is available at <http://www.axisdentalmilling.com/bruxzir.html>.  
 26 Bates numbers KDA-002174 through KDA-002175 were added to this  
 27 document during the course of this litigation for identification purposes.

28 40. Attached as **Exhibit 86** is a true and correct copy of a webpage of

1 Crown Dental Studio titled "BruxZir: Crown Dental Studio" which is available  
2 at <http://www.crowndentalstudio.com/BruxZir.html>. Bates numbers KDA-  
3 002242 through KDA-002244 were added to this document during the course of  
4 this litigation for identification purposes.

5 41. Attached as **Exhibit 87** is a true and correct copy of a webpage of  
6 Keller Dental Laboratory titled "Keller Laboratories: Bruxzir" which is  
7 available at <http://www.kellerlab.com/193/products/bruxzir.php>. Bates numbers  
8 KDA-002345 through KDA-002346 were added to this document during the  
9 course of this litigation for identification purposes.

10 42. Attached as **Exhibit 88** is a true and correct copy of a webpage of  
11 Dental Art Laboratories titled "BRUXZIR" which is available at  
12 [http://www.dentalartlab.com/page.php?page\\_id=47](http://www.dentalartlab.com/page.php?page_id=47). Bates numbers KDA-  
13 002245 through KDA-002246 were added to this document during the course of  
14 this litigation for identification purposes.

15 43. Attached as **Exhibit 89** is a true and correct copy of a webpage of  
16 Dentistry Today titled "Top 100 Products 2011" which is available at  
17 <http://www.dentistrytoday.com/top100-2011-g1>. Bates numbers KDA-002286  
18 through KDA-002288 were added to this document during the course of this  
19 litigation for identification purposes.

20 44. Attached as **Exhibit 90** is a true and correct copy of a webpage of  
21 PRWeb titled "Glidewell Dental Lab Introduces BruxZir® Solid Zirconia  
22 Crowns and Bridges" which is available at  
23 [http://www.prweb.com/releases/glidewell-dental-lab/bruxzir-dental-](http://www.prweb.com/releases/glidewell-dental-lab/bruxzir-dental-zirconia/prweb3622494.htm)  
24 [zirconia/prweb3622494.htm](http://www.prweb.com/releases/glidewell-dental-lab/bruxzir-dental-zirconia/prweb3622494.htm). Bates numbers KDA-002295 through KDA-  
25 002296 were added to this document during the course of this litigation for  
26 identification purposes.

27 45. Attached as **Exhibit 91** is a true and correct copy of a webpage of  
28 Las Vegas Digital Dental Solutions titled "Bruxzir® Solid Zirconia" which is

1 available at <http://www.lvddslab.com/bruxzir.aspx>. Bates number KDA-002347  
2 was added to this document during the course of this litigation for identification  
3 purposes.

4 46. Attached as **Exhibit 92** is a true and correct copy of a webpage of  
5 Precision Ceramic Dental Laboratory titled “BruxZir” which is available at  
6 <http://www.pcdl-usa.com/products16-79/BruxZir>. Bates number KDA-002360  
7 was added to this document during the course of this litigation for identification  
8 purposes.

9 47. Attached as **Exhibit 93** is a true and correct copy of a webpage of  
10 Expertec Dental Laboratory, Inc., titled “Full-Z – strength, value and Michigan  
11 made” which is available at <http://www.expertecdental.com/fullz.asp>. Bates  
12 number KDA-002348 was added to this document during the course of this  
13 litigation for identification purposes.

14 48. Attached as **Exhibit 94** is a true and correct copy of a webpage of  
15 Sun Dental Labs titled “Suntech Full Zirconia” which is available at  
16 [http://www.sundentallabs.com/suntech\\_full\\_zirconia.aspx](http://www.sundentallabs.com/suntech_full_zirconia.aspx). Bates numbers  
17 KDA-002381 through KDA-002382 were added to this document during the  
18 course of this litigation for identification purposes.

19 49. Attached as **Exhibit 95** is a true and correct copy of a webpage of  
20 Thompson Suburban Dental Laboratory titled “BruxZir Solid Zirconia” which is  
21 available at [http://www.thompsonsuburban.com/bruxzir\\_solid\\_zirconia.html](http://www.thompsonsuburban.com/bruxzir_solid_zirconia.html).  
22 Bates number KDA-002383 was added to this document during the course of  
23 this litigation for identification purposes.

24 50. Attached as **Exhibit 96** is a true and correct copy of a webpage of  
25 Drake Precision Dental Laboratory titled “Zir-Cast” which is available at  
26 <http://www.drakelab.com/products/Zircast.php>. Bates numbers KDA-002448  
27 through KDA-002449 were added to this document during the course of this  
28 litigation for identification purposes.

1           51. Attached as **Exhibit 97** is a true and correct copy of a webpage of  
2 Dental Product Shopper titled “Zir-Cast BruxZir” which is available at  
3 <http://www.dentalproductshopper.com/zir-cast-bruxzir>. Bates numbers KDA-  
4 004802 through KDA-004803 were added to this document during the course of  
5 this litigation for identification purposes.

6           52. Attached as **Exhibit 98** is a true and correct copy of a webpage of  
7 Artiste Dentistry LLC titled “Artiste Dentistry LLC – Cosmetic Dentistry –  
8 Sterling, VA” which is available at [http://www. Artistedentistry.com/Cosmetic-](http://www.Artistedentistry.com/Cosmetic-Dentistry.html)  
9 [Dentistry.html](http://www.Artistedentistry.com/Cosmetic-Dentistry.html). Bates numbers KDA-002738 through KDA-002748 were added  
10 to this document during the course of this litigation for identification purposes.

11           53. Attached as **Exhibit 99** is a true and correct copy of a webpage  
12 from the April 2011 edition of Inside Dentistry titled “Zir-Max® The  
13 monolithic zirconia that meets the needs of today’s dentistry.” This webpage  
14 discusses a product of Burbank Dental Laboratory. It is available at  
15 <http://www.dentalaegis.com/id/2011/04/zir-max-burbank-dental-laboratory-inc>.  
16 Bates numbers KDA-002893 through KDA-2895 were added to this document  
17 during the course of this litigation for identification purposes.

18           54. Attached as **Exhibit 100** is a true and correct copy of a webpage  
19 from Kastle Mills titled “NEW 3D Full Contour ZirCrown Now Available at  
20 Kastle Mills” available at [http://kastlemillscorp.blogspot.com/2011/01/3d-full-](http://kastlemillscorp.blogspot.com/2011/01/3d-full-contour-zircrown-now-available.html)  
21 [contour-zircrown-now-available.html](http://kastlemillscorp.blogspot.com/2011/01/3d-full-contour-zircrown-now-available.html). Bates numbers KDA-003128 through  
22 KDA-3131 were added to this document during the course of this litigation for  
23 identification purposes.

24           55. Attached as **Exhibit 101** is a true and correct copy of an  
25 informational brochure from Diadem Precision Technology titled “Diazir Full  
26 Contour Zirconia” available at [http://www.diademprecision.com/products-](http://www.diademprecision.com/products-diazir.php)  
27 [diazir.php](http://www.diademprecision.com/products-diazir.php). Bates numbers KDA-002952 through KDA-2967 were added to this  
28 document during the course of this litigation for identification purposes.

1           56. Attached as **Exhibit 102** is a true and correct copy of an  
 2 advertisement for a continuing education course discussing Zahn Dental's  
 3 "Zirlux FC Full Contour Zirconia system." It is available at  
 4 [http://www.henryschein.com/us-en/images/zahn/12-1020NY-](http://www.henryschein.com/us-en/images/zahn/12-1020NY-Zirlux_092412.pdf)  
 5 [Zirlux\\_092412.pdf](http://www.henryschein.com/us-en/images/zahn/12-1020NY-Zirlux_092412.pdf). Bates number KDA-003016 was added to this document  
 6 during the course of this litigation for identification purposes.

7           57. Attached as **Exhibit 103** is a true and correct copy of a webpage  
 8 from California Dental Arts titled "Zirfit Solid Zirconia" available at  
 9 <http://www.caldentalarts.com/all-ceramic/zirfit-solid-zirconia.html>. Bates  
 10 number KDA-004808 was added to this document during the course of this  
 11 litigation for identification purposes.

12           58. Attached as **Exhibit 104** is a true and correct copy of a webpage  
 13 from Somer Dental Laboratories titled "Full Contour Zir" available at  
 14 <http://www.somer.com/products-and-materials/attachment/ips-e-max-zircad/>.  
 15 Bates number KDA-003242 was added to this document during the course of  
 16 this litigation for identification purposes.

17           59. Attached as **Exhibit 105** is a true and correct copy of a webpage  
 18 from Technics Dental Laboratory titled "Tech/Zir FC Full Contour Zirconia  
 19 Built to Last a Lifetime" available at [http://www.technicsdental.com/#!/techzir-](http://www.technicsdental.com/#!/techzir-fc/czls)  
 20 [fc/czls](http://www.technicsdental.com/#!/techzir-fc/czls). Bates number KDA-003256 was added to this document during the  
 21 course of this litigation for identification purposes.

22           60. Attached as **Exhibit 106** is a true and correct copy of a prescription  
 23 order form from Pittman Dental Laboratory in Gainesville, Georgia offering a  
 24 "ZirCAM All-Zirconia Crown" available at  
 25 <http://www.pittmandental.com/PDFs/ScriptStand.pdf>. Bates number KDA-  
 26 003212 was added to this document during the course of this litigation for  
 27 identification purposes.

28 **B. The Use of "Brux" or "Bruxer" to Identify Crowns for Bruxers**

1           61. Attached as **Exhibit 107** is a true and correct copy of a webpage of  
2 Assured Dental Lab, Inc., titled “Metal-Free Restoration Guide” which is  
3 available at <http://www.assureddentallabinc.com/prep.html>. Bates numbers  
4 KDA-002172 through KDA-002173 were added to this document during the  
5 course of this litigation for identification purposes. &&&

6           62. Attached as **Exhibit 108** is a true and correct copy of a webpage of  
7 Infinity Dental Lab titled “Infinity Dental Laboratory: Help your dental lab  
8 grow” which is available at <http://www.infinitylaboratory.com/5073/5094.html>.  
9 Bates number KDA-002341 was added to this document during the course of  
10 this litigation for identification purposes.

11           63. Attached as **Exhibit 109** is a true and correct copy of a webpage of  
12 CDLLab titled “ZerisBRUX” which is available at  
13 [http://www.cdllab.com/products\\_ZerisBRUX.php](http://www.cdllab.com/products_ZerisBRUX.php). Bates numbers KDA-  
14 003294 through KDA-003295 were added to this document during the course of  
15 this litigation for identification purposes.

16           64. Attached as **Exhibit 110** is a true and correct copy of a prescription  
17 order form from Mascola Esthetics in San Antonio, Texas offering a “Xtreme  
18 Bruxer (Solid Zirconia)” available at [http://mascoladentallab.com/wp-](http://mascoladentallab.com/wp-content/themes/mascola/pdf/GreenRX_ME_Fixed_distributed.pdf)  
19 [content/themes/mascola/pdf/GreenRX\\_ME\\_Fixed\\_distributed.pdf](http://mascoladentallab.com/wp-content/themes/mascola/pdf/GreenRX_ME_Fixed_distributed.pdf). Bates  
20 number KDA-002444 was added to this document during the course of this  
21 litigation for identification purposes.

22           65. Attached as **Exhibit 111** is a true and correct copy of a webpage of  
23 York Dental Laboratory titled “Bruxer” which was available at  
24 <http://www.yorkdentallab.com/fixed/bruxzer.html>. Bates number KDA-002445  
25 was added to this document during the course of this litigation for identification  
26 purposes.

27           66. Attached as **Exhibit 112** is a true and correct copy of a webpage of  
28 Continental Dental Laboratories titled “Zirconia Bruxer Crown” which is



1 available at [http://www.continentaldental.com/home-continental-dental-lab/2-](http://www.continentaldental.com/home-continental-dental-lab/2-porcelain-to-non-precious/62-zirconia-bruxer-crown)  
2 porcelain-to-non-precious/62-zirconia-bruxer-crown. Bates number KDA-  
3 002241 was added to this document during the course of this litigation for  
4 identification purposes.

5 67. Attached as **Exhibit 113** is a true and correct copy of a webpage of  
6 Summers Dental Laboratories titled “BruxThetix” which is available at  
7 <http://www.summersdentallab.com/bruxthetix.html>. Bates numbers KDA-  
8 002450 through KDA-002451 were added to this document during the course of  
9 this litigation for identification purposes.

10 68. Attached as **Exhibit 114** is a true and correct copy of a portion of a  
11 webpage of GPS Dental Lab, Inc. The section is titled “BruxArt” and the full  
12 webpage is available at [http://www.gpsdental.com/crowns\\_products.htm#brux](http://www.gpsdental.com/crowns_products.htm#brux).  
13 Bates number KDA-003007 was added to this document during the course of  
14 this litigation for identification purposes.

15 69. Attached as **Exhibit 115** is a true and correct copy of a webpage of  
16 Hello Trade titled “Bruxers All Zirconia Dental Product” which is available at  
17 [http://www. Hellotrader.com/china-dental-outsourcing-incorporated/bruxers-all-](http://www.Hellotrader.com/china-dental-outsourcing-incorporated/bruxers-all-zirconia-dental-product.html)  
18 zirconia-dental-product.html. Bates numbers KDA-002318 through KDA-  
19 002320 were added to this document during the course of this litigation for  
20 identification purposes.

21 70. Attached as **Exhibit 116** is a true and correct copy of a webpage of  
22 Mouvement Social Bookmarking Site titled “Bruxer Crown | Solid Zirconia  
23 Crown | Mouvement” which is available at  
24 [http://www.mouvement.tv/story.php?title=bruxer-crown-%7C-solid-zirconia-](http://www.mouvement.tv/story.php?title=bruxer-crown-%7C-solid-zirconia-crown)  
25 crown. Bates number KDA-002349 was added to this document during the  
26 course of this litigation for identification purposes.

27 71. Attached as **Exhibit 117** is a true and correct copy of a webpage of  
28 Business Net Tennessee titled “R Dent Dental Laboratory” which is available at

1 <http://www.biznet-tenn.com/firms/6111792/>. Bates numbers KDA-002751  
 2 through KDA-002752 were added to this document during the course of this  
 3 litigation for identification purposes.

4 72. Attached as **Exhibit 118** is a true and correct copy of a webpage of  
 5 Informe.com titled "What is Bruxer Crown?" which is available at [http://www.dentalimplant.informe.com/forum/announcement-f5/what-is-bruxer-crown-](http://www.dentalimplant.informe.com/forum/announcement-f5/what-is-bruxer-crown-t10.html)  
 6 [t10.html](http://www.dentalimplant.informe.com/forum/announcement-f5/what-is-bruxer-crown-t10.html). Bates numbers KDA-002759 through KDA-002760 were added to  
 7 this document during the course of this litigation for identification purposes.  
 8

9 73. Attached as **Exhibit 119** is a true and correct copy of a webpage of  
 10 Cosmetic Dentistry of San Antonio titled "Dental Crowns" which is available at  
 11 [http://www.cosmeticdentistryofsa.com/dental-implants/san-antonio-restorative-](http://www.cosmeticdentistryofsa.com/dental-implants/san-antonio-restorative-dentistry/dental-crowns/)  
 12 [dentistry/dental-crowns/](http://www.cosmeticdentistryofsa.com/dental-implants/san-antonio-restorative-dentistry/dental-crowns/). Bates numbers KDA-002761 through KDA-002764  
 13 were added to this document during the course of this litigation for  
 14 identification purposes.

15 74. Attached as **Exhibit 120** is a true and correct copy of a posting on  
 16 twitter.com from Pittman Dental Lab which is available at  
 17 <http://twitter.com/PittmanLab/status/9266696359514112>. Bates number KDA-  
 18 002804 was added to this document during the course of this litigation for  
 19 identification purposes.

20 **C. The Use of "Brux" To Identify Products Used to Treat Bruxism**

21 75. Attached as **Exhibit 121** is a true and correct copy of a webpage  
 22 for Archtek Bruxing Splints available at [http://www.archtekinc.com/Bruxing-](http://www.archtekinc.com/Bruxing-Splints/)  
 23 [Splints/](http://www.archtekinc.com/Bruxing-Splints/). Bates number KDA-002871 was added to this document during the  
 24 course of this litigation for identification purposes.

25 76. Attached as **Exhibit 122** is a true and correct copy of a webpage  
 26 advertising Brux Checker available at  
 27 [http://www.greatlakesortho.com/commerce/detail/?nPID=1766&CFID=125811](http://www.greatlakesortho.com/commerce/detail/?nPID=1766&CFID=1258115&CFTOKEN=c08b5bf286de6e69-46450335-5056-9F7B-)  
 28 [5&CFTOKEN=c08b5bf286de6e69-46450335-5056-9F7B-](http://www.greatlakesortho.com/commerce/detail/?nPID=1766&CFID=1258115&CFTOKEN=c08b5bf286de6e69-46450335-5056-9F7B-)

79CE972035097DAE. Bates number KDA-002891 was added to this document during the course of this litigation for identification purposes.

77. Attached as **Exhibit 123** is a true and correct copy of a webpage advertising Dr. BRUX Bite Tray Nightguard available at <http://www.dental-mart.com/drbrnish.html>. Bates numbers KDA-004833 through KDA-004836 were added to this document during the course of this litigation for identification purposes.

78. Attached as **Exhibit 124** is a true and correct copy of a webpage advertising Brux-Eze Bruxism Splints available at <http://www.dentalservices.net/products/occlusal-therapy/brux-ezer-a-rem-e-dezer-bruxism-splints.html>. Bates numbers KDA-004849 through KDA-004850 were added to this document during the course of this litigation for identification purposes.

79. Attached as **Exhibit 125** is a true and correct copy of a webpage advertising a BruxCare GrindAlert Headband available at [http://devlin-design.com/projects\\_bruxcare.htm](http://devlin-design.com/projects_bruxcare.htm). Bates number KDA-004798 was added to this document during the course of this litigation for identification purposes.

80. Attached as **Exhibit 126** is a true and correct copy of a webpage discussing BRUXGUARD Occlusal Splints available at [http://www.shererdentallab.com/products/bruxguard\\_testimonials.asp](http://www.shererdentallab.com/products/bruxguard_testimonials.asp). Bates numbers KDA-004800 through KDA-004801 were added to this document during the course of this litigation for identification purposes.

#### **D. The Use of “Zir” To Identify Products Made From Zirconia**

81. Many of the above attachments include products that use “zir” in their name to identify zirconia in the product. There are too many examples to list all of them, but more examples are provided below.

82. Attached as **Exhibit 127** is a true and correct copy of a webpage of Axis Dental showing use of “Zir-Cut” for their Zirconia Polisher. It is available

1 at [http://www.axisdental.com/getdoc/3ba048f1-23dd-4143-b545-](http://www.axisdental.com/getdoc/3ba048f1-23dd-4143-b545-f70691363374/Zirconia-Polisher.aspx)  
2 [f70691363374/Zirconia-Polisher.aspx](http://www.axisdental.com/getdoc/3ba048f1-23dd-4143-b545-f70691363374/Zirconia-Polisher.aspx). Bates numbers KDA-004787 through  
3 KDA-4788 were added to this document during the course of this litigation for  
4 identification purposes.

5 83. Attached as **Exhibit 128** is a true and correct copy of a webpage of  
6 CDL Technologies showing use of “ZirBlock” for their ceramic veneers or  
7 crowns. It is available at <http://www.cadveneers.com/ssl/zirblock.php>. Bates  
8 number KDA-004809 was added to this document during the course of this  
9 litigation for identification purposes.

10 84. Attached as **Exhibit 129** is a true and correct copy of a webpage of  
11 Ivoclar Vivadent showing use of “ZirCAD” for their zirconia blocks. It is  
12 available at [http://www.ivoclarvivadent.com/en/products/all-ceramics/ips-emax-](http://www.ivoclarvivadent.com/en/products/all-ceramics/ips-emax-technicians/ips-emax-zircad)  
13 [technicians/ips-emax-zircad](http://www.ivoclarvivadent.com/en/products/all-ceramics/ips-emax-technicians/ips-emax-zircad). Bates number KDA-003038 was added to this  
14 document during the course of this litigation for identification purposes.

15 85. Attached as **Exhibit 130** is a true and correct copy of a webpage of  
16 Ivoclar Vivadent showing use of “ZirPress” for their ceramic ingots to be  
17 pressed over a zirconia base. It is available at  
18 [http://www.ivoclarvivadent.com/en/products/all-ceramics/ips-emax-](http://www.ivoclarvivadent.com/en/products/all-ceramics/ips-emax-technicians/ips-emax-zirpress)  
19 [technicians/ips-emax-zirpress](http://www.ivoclarvivadent.com/en/products/all-ceramics/ips-emax-technicians/ips-emax-zirpress). Bates number KDA-003127 was added to this  
20 document during the course of this litigation for identification purposes.

21 86. Attached as **Exhibit 131** is a true and correct copy of a webpage of  
22 Ivoclar Vivadent showing use of “ZirLiner” for their bonding materials for  
23 zirconia products. It is available at [https://us.shop.ivoclarvivadent.com/en-](https://us.shop.ivoclarvivadent.com/en-us/p/shop/products/all-ceramics/ips-e_max/ips-e_max-ceram/ceram-kits/ips-e_max-ceram-zirliner-kit)  
24 [us/p/shop/products/all-ceramics/ips-e\\_max/ips-e\\_max-ceram/ceram-kits/ips-](https://us.shop.ivoclarvivadent.com/en-us/p/shop/products/all-ceramics/ips-e_max/ips-e_max-ceram/ceram-kits/ips-e_max-ceram-zirliner-kit)  
25 [e\\_max-ceram-zirliner-kit](https://us.shop.ivoclarvivadent.com/en-us/p/shop/products/all-ceramics/ips-e_max/ips-e_max-ceram/ceram-kits/ips-e_max-ceram-zirliner-kit). Bates number KDA-003045 was added to this  
26 document during the course of this litigation for identification purposes.

27 87. Attached as **Exhibit 132** is a true and correct copy of a webpage of  
28 Kuraray Noritake Dental Inc. showing use of “Zirprime” for their pre-sintered

1 Zirconia Disks. It is available at [http://www.kuraraynoritake.com/wd/cad-](http://www.kuraraynoritake.com/wd/cad-cam/zirprime/)  
 2 [cam/zirprime/](http://www.kuraraynoritake.com/wd/cad-cam/zirprime/). Bates numbers KDA-003179 through KDA-003180 were added  
 3 to this document during the course of this litigation for identification purposes.

4 88. Attached as **Exhibit 133** is a true and correct copy of a webpage of  
 5 Smile Line showing use of “Zir.Care” for a multipurpose stone for grinding  
 6 zirconia. It is available at <http://www.smileline.ch/en/products/zircare>. Bates  
 7 number KDA-003241 was added to this document during the course of this  
 8 litigation for identification purposes.

9 89. Attached as **Exhibit 134** is a true and correct copy of an  
 10 advertisement of Biomet 3i using “ZiReal” for their zirconia abutments. It is  
 11 available at [http://biomet3i.com/Pdf/ART741D\\_Zireal\\_Brochure.pdf](http://biomet3i.com/Pdf/ART741D_Zireal_Brochure.pdf). Bates  
 12 numbers KDA-003300 through KDA-003303 were added to this document  
 13 during the course of this litigation for identification purposes.

14 90. Attached as **Exhibit 135** is a true and correct copy of a webpage  
 15 from Origin Precision Digital Solutions titled “Zirconia Custom Coloring &  
 16 ZEP Crown Techniques” discussing Dr. Tanaka’s ZirColor product. It is  
 17 available at <http://www.origincadcam.com/drtanaka.html>. Bates numbers KDA-  
 18 003253 through KDA-0032558 were added to this document during the course  
 19 of this litigation for identification purposes.

20 **E. Publicly Available Information On Glidewell’s “Authorized” Dental**  
 21 **Laboratories**

22 91. **Exhibit 136** is a true and correct copy of an assemblage of copies  
 23 of web pages for dental laboratories that Glidewell identifies as “authorized”  
 24 Glidewell labs. Bates numbers have been added to these printouts during the  
 25 course of this litigation for identification purposes. The assemblage includes the  
 26 following Bates numbers: KDA-002862, KDA-002863, KDA-002865, KDA-  
 27 002871, KDA-002873-74, KDA-002879, KDA-002881, KDA-002883-84,  
 28 KDA-002890, KDA-002893-95, KDA-002914, KDA-002918, KDA-002922-

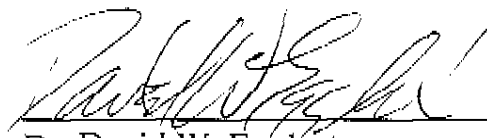
23, KDA-002925-26, KDA-002928-29, KDA-002930, KDA-002931-38, KDA-002942, KDA-002977-91, KDA-002983, KDA-002986-88, KDA-002991-92, KDA-002994-95, KDA-002997-98, KDA-003000, KDA-003003, KDA-003006, KDA-003009-10, KDA-003012-13, KDA-003015, KDA-003016-20, KDA-003022-23, KDA-003027, KDA-003029-30, KDA-003128-31, KDA-003133-34, KDA-003135-36, KDA-003138-39, KDA-003142, KDA-003145, KDA-003148, KDA-003150-51, KDA-003154, KDA-003156-57, KDA-003159-62, KDA-003164-66, KDA-003169-70, KDA-003172-74, KDA-003178-80, KDA-003182-84, KDA-003186-87, KDA-003189-90, KDA-003192, KDA-003194-95, KDA-003197, KDA-003199-3200, KDA-003204-05, KDA-003207-08, KDA-003210-11, KDA-003218, KDA-003221-24, KDA-003227, KDA-003230-32, KDA-003234-35, KDA-003237, KDA-003240-42, KDA-003245-46, KDA-003248-50, KDA-003256, KDA-003261-62, KDA-003264, KDA-003267-68, KDA-003270-71, KDA-003273-74, KDA-003278, KDA-003281, KDA-003284-87, KDA-003291-95, KDA-003297-3303, KDA-004775-97, KDA-004800-01, KDA-004804-11. Due to the large size of this exhibit, I have been informed that it is being lodged with the Court as a native pdf file.

92. **Exhibit 137** is a true and correct copy of an assemblage of copies of dental prescription forms available on-line from dental laboratories that Glidewell identifies as “authorized” Glidewell labs. Bates numbers have been added to these printouts during the course of this litigation for identification purposes. The assemblage includes the following Bates numbers: KDA-002864, KDA-002867, KDA-002868, KDA-002869-70, KDA-002872, KDA-002875-76, KDA-002877-78, KDA-002880, KDA-002882, KDA-002885-86, KDA-002887, KDA-002888-89, KDA-002896, KDA-002915-16, KDA-002917, KDA-002920-21, KDA-002924, KDA-002927, KDA-002939-41, KDA-002944-25, KDA-002946-47, KDA-002944-50, KDA-002974-76, KDA-

1 002982, KDA-002984, KDA-002989-90, KDA-002993, KDA-002996, KDA-  
2 002999, KDA-003002, KDA-003004-05, KDA-003008, KDA-003011, KDA-  
3 003014, KDA-003021, KDA-003024-26, KDA-002028, KDA-003031-32,  
4 KDA-003132, KDA-003137, KDA-003140-41, KDA-003143-44, KDA-  
5 003146-47, KDA-003149, KDA-003152-53, KDA-003155, KDA-003158,  
6 KDA-003163, KDA-003167-68, KDA-003171, KDA-003175-77, KDA-  
7 003181, KDA-003185, KDA-003188, KDA-003191, KDA-003193, KDA-  
8 003196, KDA-003198, KDA-003201-03, KDA-003206, KDA-002209, KDA-  
9 003212-17, KDA-003219-20, KDA-003225-26, KDA-003228-29, KDA-  
10 003233, KDA-003236, KDA-003238-39, KDA-003243-44, KDA-002247,  
11 KDA-003257-60, KDA-003263, KDA-003265-66, KDA-003269, KDA-  
12 003272, KDA-003275-77, KDA-003279-80, KDA-003282-83, KDA-003288-  
13 90, KDA-003296, KDA-003304. Due to the large size of this exhibit, I have  
14 been informed that it is being lodged with the Court as a native pdf file.  
15

16 I declare under penalty of perjury under the laws of the United States of  
17 America that the foregoing is true and correct.

18 Executed November 19, 2012, Newport Beach, California.

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20   
21 Dr. David W. Eggleston  
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